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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC., a Cayman Island
corporation and d/b/a POWER.COM, a
California corporation; STEVE VACHANI, an
individual; DOE 1, d/b/a POWER.COM,
DOES 2-25, inclusive,

Defendants.

Case No. 5:08-CV-05780 LHK

**DEFENDANTS' EX PARTE
APPLICATION TO CHANGE TIME OF
CASE MANAGEMENT CONFERENCE**

Date: January 11, 2017
Time: 2:00 P.M.
Judge: Hon. Lucy H. Koh
Courtroom: 8, 4th Floor

This Court has set a Case Management Conference for January 11, 2017. Pursuant to Civil
Local Rule 16-1(b) and 7-19, Defendants POWER VENTURES, INC. and STEVEN VACHANI
("Defendants") respectfully move this Court for an ex parte order continuing the Case
Management Conference (CMC) now scheduled for January 11, 2017 and continue it to January
25, 2017.

The following points and accompanying Declaration of Amy Sommer Anderson are
provided in support of this motion:

Defendants seek to continue the currently scheduled CMC for two weeks until January 25, 2017 to allow Defendants time to get up to speed on the current status of the various matters in this action following the Ninth Circuit's Mandate on December 19, 2016 and to ensure availability of the defendants at the CMC given recent and ongoing personal considerations of both Steven Vachani and counsel for Power Ventures, Inc., Amy Sommer Anderson. Mr. Vachani has been in the hospital with his wife since late December, where he and his wife welcomed their new daughter prematurely and are unfortunately still working through related complications. Ms. Anderson has recently suffered a loss in her family, which brought an unanticipated and reasonable period of grieving and care for Counsel's own resulting health complications over the past few weeks. As such, in addition to the aforementioned reasons, Ms. Anderson and Mr. Vachani require a continuance of the scheduled CMC to recover from their unplanned and unavoidable absences to review and prepare the defendants' case at this stage of litigation in light of the mixed judgment of the Ninth Circuit reversing in part and affirming in part the previous judgment against the defendants.

Opposing counsel, Mr. Monte Cooper, was contacted on January 4, 2017, and he stated unequivocally that Plaintiff FACEBOOK, INC. will not object to this request.

There is no harm in changing the time of the scheduled CMC as requested, no prejudiced is posed to the parties, and such change would have no effect on the schedule for this case since (1) the sole opposing party has agreed to the continuance, and (2) no other events are scheduled in this matter.

Respectfully submitted,

Dated: January 6, 2017

AROPLEX LAW

By: /s/ Amy Sommer Anderson

Amy Sommer Anderson

AROPLEX LAW

156 2nd Street

San Francisco, CA 94105
Attorneys for Defendant
POWER VENTURES, INC.

Dated: January 6, 2017

STEVEN VACHANI

By: /s/ Steven Vachani

STEVEN VACHANI
Steven Vachani (pro per)
2425B Channing, #216
Berkeley, CA 94704

FILER'S ATTESTATION: Pursuant to General Order No. 45 §X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from its signatory.

Dated: January 6, 2017

Respectfully submitted,

By: /s/ Amy Sommer Anderson

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Aroplex Legal Services and the Law Practice of Amy Sommer Anderson, 156 2nd Street, San Francisco, CA 94105.

On **January 9, 2017**, I served the within document by the method indicated below:

X ECF System: By filing the document(s) listed above on the Court's Electronic Case Filing System, I am informed and believe that the documents will be electronically served on all individuals registered with such system. To my knowledge, every individual to whom notice is required is registered with this system and, thus, has been served with due notice by action of this electronic filing.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct.

Executed January 9, 2017 at San Francisco, California.

By: /s/ Amy Sommer Anderson
Amy Sommer Anderson
AROPLEX LAW
156 2nd Street
San Francisco, CA 94105